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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,703	03/29/2001	Kenichiro Sakai	826.1720	4089

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EXAMINER

TUNG, KEE M

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 09/15/2004 9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/819,703

Applicant(s)

SAKAI ET AL.

Examiner

Kee M Tung

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's amendment filed 7/26/04 has been fully considered in preparing this Office action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al (5,218,607 hereinafter "Saito").

As per claims 11 and 13, Saito teaches an image display device (Fig. 2) for storing an image and displaying the image based on a user's display operation comprising a non-volatile storage unit (col. 11, line 37) storing data which can be rewritten and maintaining stored data even if a main power supply is switched off; and display information writing unit writing display information for indicating a display state of a currently displayed image in said non-volatile storage unit if a main power supply is switched off if the display information is not already stored in the non-volatile storage unit (col. 1, lines 24-31; col. 11, lines 60-62 and col. 12, lines 12-14). Therefore, at least claims 11 and 13 are anticipated by Saito.

4. Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Itoh (5,453,805).

As per claims 11 and 13, Itoh teaches an image display device (Figs. 1 and 2) for storing an image and displaying the image based on a user's display operation comprising a non-volatile storage unit (memory 18, col. 3, lines 38-45) storing data which can be rewritten and maintaining stored data even if a main power supply is switched off; and display information writing unit writing display information for indicating a display state of a currently displayed image in said non-volatile storage unit if a main power supply is switched off if the display information is not already stored in the non-volatile storage unit (col. 1, lines 45-60). Therefore, at least claims 11 and 13 are anticipated by Itoh.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2676

6. Claims 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomita (6,119,611).

As per claims 11 and 13, Tomita teaches an image display device (Fig. 2) for storing an image and displaying the image based on a user's display operation comprising a non-volatile storage unit (flash memory 25, col. 6, lines 21-22) storing data which can be rewritten and maintaining stored data even if a main power supply is switched off; and display information writing unit writing display information for indicating a display state of a currently displayed image in said non-volatile storage unit if a main power supply is switched off if the display information is not already stored in the non-volatile storage unit (abstract; col. 2, lines 20-51). Therefore, at least claims 11 and 13 are anticipated by Tomita.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7-10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (6,137,534) in view of Saito et al (5,218,607 hereinafter "Saito").

Anderson teaches an image display device (Figs. 1 and 3) for storing an image and displaying the image based on a user's display operation comprising a non-volatile

Art Unit: 2676

storage unit (removable memory 354) storing data which can be rewritten and maintaining stored data even if a main power supply is switched off (col. 4, lines 56-67); an image storage unit (DRAM 346) storing an image; an image display unit (LCD screen 402) displaying the image stored in the image storage unit; an operation detection unit detecting a user's display operation to modify a display state of the image displayed on the image display unit (col. 9, line 59 to col. 11, line 42). It is noted that Anderson fails to explicitly suggest or teach a display information writing unit writing display information for indicating a display state of a currently displayed image in the non-volatile storage unit based on a detection result of the operation detection unit off if the display information is not already stored in the non-volatile storage unit. This is what Saito teaches (see abstract, col. 1, lines 24-31). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the teachings of Saito into the system of Anderson in order to write the displayed information (or display state information) into a non-volatile memory without lost of data even if the power is off and further to redisplay the previously stored data after the power is resumed. Therefore, at least claims 1, 2, 4, 7, 8, 10, 12 and 14 would have been obvious.

As per claim 3, Anderson teaches if the display information read from said non-volatile storage unit is not a prescribed value, said display information reading unit modifies the display information to a prescribed rating value (col. 9, lines 11-27).

As per claim 5, Anderson teaches if said operation detection unit does not detect another user's display operation during a specific time period after detecting a user's

Art Unit: 2676

display operation, said display information writing unit writes the display information in said non-volatile storage unit (col. 11, lines 1-27 and col. 12, lines 10-15).

As per claim 9, Anderson teaches the display information includes at least one of information for specifying an original image, information about magnification of a display image and information for indicating a position in the original image of a display image (col. 6, lines 15-50).

### ***Response to Arguments***

9. Applicant's arguments filed 7/26/04 have been fully considered but they are not persuasive.

Basically, applicant argues that Anderson fails to teach or suggest the amendment claimed feature. Specifically, Anderson fails to suggest or teach, "recalled the stored last image". The examiner disagrees. The portion referred to for the teaching of claim 6 is for instant review mode. Once a user leaves instant review mode, the last image and all other previously captured images can be view by using play mode or normal review or play mode. For example, during normal review or playback, Anderson teaches "a viewfinder for displaying a live image and each image of a plurality of previously captured images" (abstract); "in play mode, the LCD is used as a playback screen for allowing the user to review previously captured images" (col. 1, lines 20-23); "other images stored in the camera may be displayed in a backward or forward sequence by pressing the "-" and "+" navigation buttons" (col. 2, lines 60-62) and "only then can the user view the last images, as well as all previously captured images (col. 3, lines 22-23).

Applicant did not place any particular arguments with respect to 35 USC 102 rejections. The amendment feature to all the independent claims fails to add any additionally patentable limitation to the claims. The feature "writing display information .... If the display information is not already stored in the non-volatile storage unit." It is an inherent feature in view of all the prior art listed above because if the data already stored in the memory why do you want to store again for nothing. This is a stand feature in all memory system to store only a single copy of data, otherwise, by using different file name. Therefore, applicant's arguments are not deemed to be persuasive.

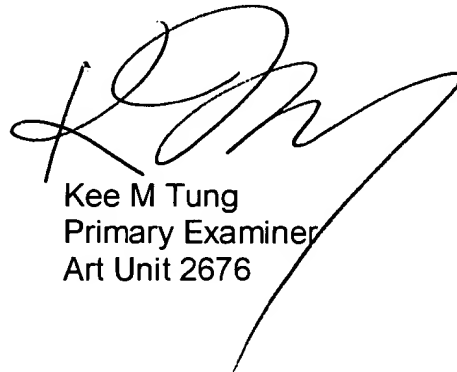
### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kee M Tung whose telephone number is 703-305-9660. The examiner can normally be reached on Tuesday - Friday from 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kee M Tung  
Primary Examiner  
Art Unit 2676